IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

MONDAY, THE 2ND APRIL 2007 / 12TH CHAITHRA 1929

WP(C).No. 13369 of 2004(N)

PETITIONER:

M/S.MALANAD TRADE LINKS,
KALPETTA, WAYANAD - 673 121
REPRESENTED BY PARTNER P.ABDULLA.

BY ADV. SRI.T.M.SREEDHARAN
SMT.M.S.KIRAN

RESPONDENTS:

1. THE DIVISIONAL FOREST OFFICER,
SOUTH WAYANAD DIVISION,
KALPETTA.

2. THE STATE OF KERALA,
REPRESENTED BY THE CHIEF
SECRETARY TO GOVERNMENT,
SECRETARIAT,
THIRUVANANTHAPURAM.

BY GOVERNMENT PLEADER SMT.K.R.DEEPA

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 02/04/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

Ext.P1: True copy of Government Order (MS)No.64/97/Forest dated 23.3.1997.

Ext.P2: True copy of the judgment dated 27.10.2003 in W.P.(C) No.33228/03 passed by this Hon'ble Court.

Ext.P3: True copy of the representation dated 3.3.2004 submitted by the petitioner to the 1st respondent.

Ext.P4: True copy of the communication dated 12.3.2004 received from the 1st respondent.

RESPONDENT'S EXHIBITS:

Annexure R1(a): True copy of detailed sale notice conditions vide no.G.1460/95 dated 29.5.1995.

Annexure R1(b): True copy of No.C(2)29352/2003 dated 16.12.2003 of Chief Conservator of Forests (Protection)

// True copy //

P.A. to Judge

KURIAN JOSEPH, J.

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W.P.(C)NO.13369 OF 2004

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Dated this the 2nd day of April 2007

JUDGMENT

Prayer is for refund of the Forest development Tax recovered from the petitioner. Petitioner is entitled to succeed in the light of the decision of this court reported in **D.F.O., South Wyanad V. Aravindan [2000 (1) KLT 621].**

2. Writ petition is hence allowed directing the first respondent to refund the amount collected from the petitioner towards Forest Development Tax within a period of three months from the date of production of a copy of this judgment.

Writ petition is disposed of as above.

KURIAN JOSEPH, JUDGE

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